

LAW OFFICE OF STUART M. NACHBAR, P.C.

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Attorney for Chapter 13 Debtors

In Re: :
Danielle Castanaga and Ronald W Castanaga: :
Chapter 13 Debtor. :
:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
Case No. 24-15061(RG)
Chapter 13

**OBJECTION TO PROOF OF CLAIM #20
ON BEHALF OF CHAPTER 13 DEBTOR**

The undersigned, Law Office of Stuart M. Nachbar, P.C. as counsel for Chapter 13 Debtors, Danielle Castanaga and Ronald W Castanaga (the “Debtors”), do hereby object to the Proof of Claim 20 filed by, or on behalf of, Capital One Auto Finance by AIS as follows:

1. On or about April 7, 2020, prior to the filing of the Petition, Debtors financed a 2016 Infiniti Q50. *See*, Proof of Claim 20.
2. Prior to the filing of the Petition, Debtors kept their car payment current, with the occasional late payment.
3. Debtors filed their Voluntary Chapter 13 Petition and proposed Chapter 13 Plan pursuant to Title 11 of the United States Code on May 18th, 2024. *See*, Docket Entry 1 and 3.
4. On or about July 4, 2024, AIS on behalf of Capital One filed its Proof of Claim. *See* Claim # 20.
5. Said Proof of Claim relates to the afore-mentioned vehicle and claims a Pre-Petition Debt of Five hundred eight dollars and sixty-nine (\$508.69) cents. *See*, Proof of Claim 20.

6. Debtor hereby objects to the Proof of Claim 20 filed by, or on behalf of, Capital One Auto as the payment of the funds was made several weeks prior to the filing of the Proof of Claim and the account was current. A true and accurate copy of the payout log is attached hereto showing the payment of the Pre-Petition Amount claimed on June 10, 2024.

7. Counsel for Debtor requested via email and via telephone that the Creditor amend its Proof of Claim as the account was current. Creditor has refused. Creditor has stated in it's responsive email that the figure represents the amount due at the time of the filing of the case.

8. While this may be true, it creates a potential windfall the Creditor it is not entitled to and the Creditor should amend same

9. Further, if this Proof of Claim is allowed to stand "as is", other creditors will be harmed and it will also be an additional burden on the Chapter 13 Standing Trustee.

10. As such, Debtors respectfully request that the Court either disallow Proof of Claim 20 or Order the Creditor to file an amended Proof of Claim.

LAW OFFICE OF STUART M. NACHBAR, P.C.

Attorney for Chapter 13 Debtors

/s/Stuart M. Nachbar

By: Stuart M. Nachbar, Esq.

Dated: July 26, 2024

EXHIBIT A



Transaction History Report (as of 7/5/2024)

Account #:	0069	Period:	- 07/05/2024
Loan Bal:	\$4,585.81		

<u>Date</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
06/10/2024	Capital One auto loan payment.		\$508.69
05/28/2024	Capital One auto loan payment.		\$443.32
04/20/2024	Capital One auto loan payment.		\$443.32
03/19/2024	Capital One auto loan payment.		\$443.32
02/13/2024	Capital One auto loan payment.		\$443.32
01/23/2024	Capital One auto loan payment.		\$443.32
01/22/2024	Late Charge assessment	\$22.16	
12/22/2023	Capital One auto loan payment.		\$443.32
11/24/2023	Capital One auto loan payment.		\$443.32
11/03/2023	Capital One auto loan payment.		\$443.32
10/13/2023	Capital One auto loan payment.		\$421.16
09/22/2023	Late Charge assessment	\$21.05	
07/21/2023	Capital One auto loan payment.		\$465.48
06/23/2023	Capital One auto loan payment.		\$443.32
05/26/2023	Capital One auto loan payment.		\$443.32
04/28/2023	Capital One auto loan payment.		\$443.32
04/22/2023	Late Charge assessment	\$22.16	
03/21/2023	Capital One auto loan payment.		\$443.32
02/22/2023	Capital One auto loan payment.		\$443.32
01/18/2023	Capital One auto loan payment.		\$443.32
12/09/2022	Capital One auto loan payment.		\$443.32
11/10/2022	Capital One auto loan payment.		\$443.32
09/02/2022	Capital One auto loan payment.		\$443.32
07/09/2022	Capital One auto loan payment.		\$443.32
05/13/2022	Capital One auto loan payment.		\$443.32
04/15/2022	Capital One auto loan payment.		\$443.32
03/02/2022	Capital One auto loan payment.		\$443.32
01/31/2022	Capital One auto loan payment.		\$443.32
12/24/2021	Capital One auto loan payment.		\$443.32
11/30/2021	Capital One auto loan payment.		\$443.32
10/16/2021	Capital One auto loan payment.		\$443.32
09/20/2021	Capital One auto loan payment.		\$443.32
08/06/2021	Capital One auto loan payment.		\$443.32

Transaction History Report (as of 7/5/2024)

Account #:	0069	Period:	- 07/05/2024
Loan Bal:	\$4,585.81		

<u>Date</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
07/13/2021	Capital One auto loan payment.		\$443.32
06/14/2021	Capital One auto loan payment.		\$443.32
05/17/2021	Capital One auto loan payment.		\$443.32
03/29/2021	Capital One auto loan payment.		\$443.32
03/01/2021	Capital One auto loan payment.		\$443.32
02/02/2021	Capital One auto loan payment.		\$443.32
12/30/2020	Capital One auto loan payment.		\$443.32
11/27/2020	Capital One auto loan payment.		\$443.32
11/02/2020	Capital One auto loan payment.		\$443.32
10/02/2020	Capital One auto loan payment.		\$443.32
09/04/2020	Capital One auto loan payment.		\$443.32
08/07/2020	Capital One auto loan payment.		\$443.32
07/10/2020	Capital One auto loan payment.		\$443.32
06/24/2020	Capital One auto loan payment.		\$443.32
05/26/2020	Capital One auto loan payment.		\$443.32
04/15/2020	Capital One auto loan payment.		\$443.32